

## **Board Members**

David P. Yandell, Ph.D.  
Chairperson  
Maryann Santos de Barona, Ph.D.  
Vice-Chairperson  
Michael J. Rohrbaugh, Ph.D.  
Secretary  
Denise M. Bainton, J.D.  
Wil R. Counts, Ph.D.  
James J. Cox, Ed.D.  
Manuel H. Delgado, Jr., J.D.  
Joseph C. Donaldson  
Maureen K. Lassen, Ph.D.



## **State of Arizona Board of Psychologist Examiners**

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## **Staff**

Maxine McCarthy  
Executive Director  
Marcus E. Harvey  
Deputy Director  
David S. Shapiro  
Investigator  
Shari S. Courtney  
Administrative  
Assistant

## **REGULAR SESSION MINUTES**

1400 West Washington  
Basement Conference Room, #B-1  
Phoenix, AZ 85007

**Friday, April 4, 2003**

### **1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Yandell at 8:34 a.m. on Friday, April 4, 2003. Three Executive Sessions were 10:42 a.m. to 10:50 a.m., 2:39 p.m. to 2:44 p.m., and from 4:25 to 4:40 p.m. for the purpose of obtaining confidential legal advice.

### **2. ROLL CALL**

#### **Board Members Present**

David P. Yandell, Ph.D. - Chairperson  
Maryann Santos de Barona, Ph.D. - Vice-Chairperson  
Denise M. Bainton, J.D.  
Wil R. Counts, Ph.D.  
James J. Cox, Ed.D.  
Manuel H. Delgado, Jr., J.D.<sup>†</sup>

#### **Board Members Absent**

Michael J. Rohrbaugh, Ph.D. - Secretary  
Maureen K. Lassen, Ph.D.

#### **Staff Present**

Maxine McCarthy, Executive Director  
Marcus Harvey, Deputy Director  
David Shapiro, Investigator  
Shari Courtney, Administrative Assistant

#### **Attorney General's Office**

Nancy J. Beck, J.D.  
Assistant Attorney General

### **3. REMARKS/ANNOUNCEMENTS**

Dr. Yandell announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. He also stated that anyone was welcome to complete a Board meeting assessment survey.

### **4. APPROVAL OF MINUTES**

#### **• Regular Session – February 7-8, 2003**

A motion was made by Dr. Cox, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to approve the February 7-8, 2003 Regular Session minutes.

- **Executive Session – February 7-8, 2003**

A motion was made by Dr. Counts, seconded by Mr. Donaldson, and unanimously carried (7-0), to approve the February 7-8, 2003 Executive Session minutes.

- **Conference Call Regular Session – March 7, 2003**

A motion was made by Dr. Cox, seconded by Mr. Donaldson, and unanimously carried (6-0-1), with Dr. Santos de Barona abstaining from the vote, to approve the March 7, 2003 Conference Call Regular Session minutes.

## **5. CALL TO THE PUBLIC**

- a) Virginia Chaffin addressed the Board regarding Dr. Joel Glassman and Agenda Item No. 10, on behalf of her daughter G.B.
- b) Kim Kalas, Ed.D. addressed the Board regarding the vulnerability of psychologists in the complaint process.

D.C., Complainant in R.F.I.03-09, asked the Board to keep in mind that Linda Comin, Psy.D. was a capable therapist.

K.S. the Complainant in R.F.I.03-06, addressed the Board regarding her complaint against Daniel Juliano, Ph.D.

## **6. INFORMAL INTERVIEW – CONTINUED FROM 12/02 MEETING – LESLIE METELLUS, Ph.D. – COMPLAINT Nos. 02-19 AND 02-30**

Dr. Yandell recused himself, as did Dr. Counts, and Dr. Santos de Barona chaired this proceeding. She announced that it was time and place for the continuation of the Informal Interview of Dr. Leslie Metellus. Dr. Metellus introduced herself and her attorney, Steve Myers, J.D., as did Board members and Staff. Nancy Beck, J.D. was also present as counsel for the Board. Dr. Metellus was sworn in by the court reporter, whose transcript shall serve as the official record of the proceedings. Mr. Myers asked the Board to respect the privacy of Dr. Metellus as a patient in regard to her evaluation. R.H., Complainant in Complaint No. 02-30, was sworn in and made a statement to the Board. Board members then reviewed draft findings of fact and conclusions of law, which were distributed at the meeting to the Board members, Dr. Metellus and Mr. Myers.

Board members then proceeded to discuss the draft findings of fact and conclusions of law and made amendments as necessary. Mr. Myers objected to commenting on findings of fact and conclusions of law, which he just received at this meeting, without the opportunity to review them against the transcript and prepare a response. He also expressed concern at the absence of Drs. Lassen and Rohrbaugh, who had been present at the December meeting, leaving only two psychologist Board members and three public members to hear this case. Dr. Metellus answered Board member questions regarding the extent of her practice at this time until this case was resolved.

Ms. Beck explained that it is the Board's historical practice, and that of other state boards, to present the findings of fact and conclusions of law at the meeting at which they would be discussed, and that the Board often composes findings of fact and conclusions of law at the same Board meeting themselves. Mr. Myers agreed that this was the historical practice of the Board, but opined that it was a bad practice. Dr. Santos de Barona then made a motion, seconded by Mr. Donaldson, and unanimously carried (5-0-2), to move into Executive Session for the purpose of obtaining confidential legal advice.

Upon return to open session, Board members resumed deliberations. Ms. Bainton made a motion, seconded by Dr. Cox, and unanimously carried (5-0-2), to adopt the draft findings of fact. Dr. Cox then made a motion to adopt the conclusions of law, as amended, which was seconded by Mr. Donaldson and unanimously carried (5-0-2). Dr. Santos de Barona then explained the Board's options for imposing discipline. After discussion, Dr. Cox made a motion, seconded by Ms. Bainton, and unanimously carried (5-0-2), to place Dr. Metellus on probation for three years, requiring her to receive one hour of individual face-to-face supervision for every twenty hours of work. Following a statement from Mr. Myers and further discussion, Dr. Santos de Barona made a motion to amend the

order, requiring Dr. Metellus to keep a log of all of her professional activities and to indicate which hours are direct client contact hours. Dr. Metellus would be required to provide the log to her supervisor for signature and submission to the Board with quarterly reports from her supervisor.

**7. INFORMAL INTERVIEW – COMPLAINT No. 03-01 – MICHAEL BAYLESS, Ph.D.**

Dr. Yandell announced that it was the time and place for the Informal Interview of Dr. Michael Bayless. Dr. Bayless was present with his attorney, Tracey Westerhausen, J.D., who introduced themselves, as did Board members and Staff. Mr. Donaldson and Drs. Counts and Cox recused themselves. David Shapiro, Board Investigator, summarized the allegations for the Board. Dr. Bayless was sworn in by the court reporter, whose transcript shall serve as the official record of the proceedings. The Complainant was not present and Board members proceeded to interview Dr. Bayless. Dr. Bayless and his attorney then made closing remarks to the Board and Board members proceeded to deliberate. A motion was made by Ms. Bainton, seconded by Mr. Delgado, and unanimously carried (4-0-3), to dismiss the complaint as there was no violation of the Board's statutes or rules.

**8. DISCUSSION/DECISION CASE No. 02-55 – RONALD J. LAVIT, Ph.D.**

Dr. Yandell explained that Dr. Ronald Lavit was invited to attend an Informal Interview but declined to attend. No one was present to speak regarding the case, and Board members proceeded to discuss the case. Ms. Bainton made a motion, seconded by DR. Cox, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice.

Upon return to open session, Board members resumed deliberations. A motion was then made by Ms. Bainton, seconded by DR. Counts, and unanimously carried (7-0), to subpoena Dr. Lavit to an investigative interview conducted by the Board's Investigator, Mr. Shapiro, with the assistance of the Board's Assistant Attorney General, Ms. Beck. The Board also directed Mr. Shapiro to personally interview the Complainant.

**9. DISCUSSION/DECISION REGARDING REQUEST TO MODIFY BOARD ORDER – CASE No. 00-17 – ROBERT BRIGGS, Ph.D.**

Board members discussed Dr. Robert Briggs' request to terminate his probation early. After deliberations, a motion was made by Ms. Bainton, seconded by Dr. Cox, and unanimously carried (7-0), to deny Dr. Briggs' request to terminate the Board Order, with the acknowledgment that he may discontinue the psychotherapy required by the Board Order.

**10. DISCUSSION/DECISION REGARDING CORRESPONDENCE RECEIVED ON FEBRUARY 5, 2003 FROM G.B. REGARDING JOEL GLASSMAN, Ph.D.**

Virginia Chaffin had addressed the Board regarding this issue earlier in the day under Call the Public, Agenda Item No. 5(a). Mr. Shapiro reviewed his memo to the Board regarding this case. Board members asked clarifying questions of Mr. Shapiro and proceeded to deliberate. After some discussion, Mr. Donaldson made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to not open an investigation of this case, as the Board had already decided the issues in a previous case (RFI 01-07).

**11. DISCUSSION/DECISION REGARDING REQUEST TO RETURN TO ACTIVE**

- **Ira Solomon, Ph.D.** – Board members considered the request by Dr. Ira Solomon to reinstate his inactive license to active status. Dr. Counts made a motion, seconded by DR. Cox, and unanimously carried (7-0), to reinstate Dr. Solomon's license to active status.
- **Darlene Wood, Ph.D.** – Board members next considered the request of Dr. Darlene Wood to reinstate her inactive license to active status. A motion was then made by DR. Counts, seconded by Mr. Donaldson, and unanimously carried (7-0), to reinstate Dr. Wood's license to active status.

## **12. DISCUSSION/DECISION REGARDING INITIAL REVIEW OF REQUESTS FOR INVESTIGATION (RFI)**

### **RFI 02-59 – Joel B. Glassman, Ph.D.**

The Complainant was present and made a statement to the Board. Mr. Shapiro then summarized the allegations for the Board. Dr. Glassman was not present and Board members proceeded to deliberate. A motion was made by Dr. Santos de Barona, seconded by Dr. Counts, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

### **RFI 03-04– Scott R. Hendrickson, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. No one was present to speak and Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by DR. Santos de Barona, and unanimously carried (7-0), to dismiss the case as there was no violation of the Board's statutes or rules.

### **RFI 03-05 – Robbie L. Adler-Tapia, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. No one was present to speak and Board members proceeded to deliberate. A motion was made by Ms. Bainton, seconded by Dr. Counts, and unanimously carried (7-0), to dismiss the case as there was no violation of the Board's statutes or rules.

### **RFI 03-06 – Daniel B. Juliano, Ph.D.**

Dr. Santos de Barona recused herself from this proceeding. The Complainant made a statement to the Board earlier in the day under Agenda Item No. 5(b). Mr. Shapiro summarized the allegations for the Board. Dr. Juliano was not present and Board members proceeded to deliberate. A motion was made by Dr. Counts, seconded by Mr. Donaldson, and unanimously carried (6-0-1), to dismiss the case as there was no violation of the Board's statutes or rules.

### **RFI 03-07 – Ronald J. Lavit, Ph.D.**

Mr. Delgado recused himself from this proceeding. The Complainant was present and made a statement to the Board. Mr. Shapiro then summarized the allegations for the Board. Dr. Lavit was not present and Board members proceeded to deliberate. A motion was made by Mr. Donaldson, seconded by DR. Yandell, and unanimously carried (6-0-1), to dismiss the case as there was no violation of the Board's statutes or rules.

### **RFI 03-08 – Marcus R. Earle, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. No one was present to speak and Board members proceeded to deliberate. A motion was made by Dr. Cox, seconded by Mr. Donaldson, and carried (5-2), with Drs. Santos de Barona and Counts voting no, to find Dr. Earle in violation of A.R.S. §§ 32-2061 (A)(13)(s), 12-2293 and 12-2295 and to offer him a consent agreement, placing Dr. Earle on probation until releases the records which he failed to release upon receipt of a written request for records.

### **RFI 03-09 – Linda M. Comin, Psy.D.**

Dr. Yandell recused himself and Dr. Santos de Barona chaired this proceeding. The Complainant made a statement to the Board earlier in the day under Agenda Item No. 5(b). Mr. Shapiro summarized the allegations for the Board. Dr. Comin was not present and Board members proceeded to deliberate. Dr. Cox then made a motion, seconded by Mr. Donaldson, and unanimously carried (6-0-1), to issue a letter of concern to Dr. Comin, expressing the Board's concerns that she failed to timely repay a client's fees, which she kept as a retainer.

### **RFI 03-12 – Kim A. Kalas, Ed.D.**

Dr. Cox recused himself from this proceeding. The Complainant was present and made a statement to the Board. Mr. Shapiro summarized the allegations for the Board and Board members proceeded to deliberate. A motion was made by Mr. Delgado, seconded by Mr. Donaldson, and unanimously carried (6-0-1), to move into Executive Session for the purpose of obtaining confidential legal advice.

Upon return to open session, the Board's Investigator was asked to obtain additional information. It was the consensus of the Board to continue this case.

The following cases remained ongoing:

RFI 03-10 Carlos J. Vega, Psy.D.  
RFI 03-11 Michael L. German, Ph.D.  
RFI 03-13 Janice L. Blair, Ph.D.

### 13. DISCUSSION/DECISION REGARDING APPROVAL OF REACTIVATION

Maxine McCarthy, Executive Director, requested that the Board allow Board staff to approve routine requests for the reactivation of an inactive license. She explained that the procedure would be that staff would check disciplinary history in other jurisdictions, continuing education submissions and fees before approving the requests. Those approvals would then be placed on a subsequent agenda for Board ratification. She also stated that any requests out of the ordinary or requests to return to active status from medical inactive status would still require Board approval. The Board Approved the new procedure by consensus.

### 14. COUNSEL REPORTS

- **Education Update – Board Procedures – 3<sup>RD</sup> PARTY COMMUNICATIONS TO BOARD MEMBERS**

Ms. Beck reminded the Board members that they act through a majority of the quorum, and not on their own, unless designated by the Chairperson to speak on behalf of the Board. Outside of a Board meeting, she stated, Board members speak as private citizens. If anyone asks them questions regarding a complaint, Board members should refer them to the Executive Director.

- **Litigation**

- ❖ **Allender v. Board – CV2001-008193** – Ms. Beck reminded the Board that its decision was upheld in the Superior Court and in the Court of Appeals. Dr. Allender did not request review from the Arizona Supreme Court, so the Court of Appeals has issued the mandate to the Superior Court, which ends the case

- ❖ **Board v. McDonald 1CA-CV02-0518** – Ms. Beck reminded members that the Board filed an appeal to the Court of Appeals and Dr. Craydon McDonald filed a cross-appeal regarding one issue related to attorney's fees. Because there is an appeal and cross-appeal, there are multiple sets of briefs going back and forth and the briefing has not concluded yet.

### 15. EXECUTIVE DIRECTOR'S REPORT

- **Financial** – Ms. McCarthy reported that at the end of February 2003, the Board had expended 53% of its appropriation with four months left in the fiscal year. She also stated that the staff had been busy processing license renewal applications, had collected approximately \$241,500 to date, and that the Board retains 90% of that amount and gives 10% to the State General Fund.

Ms. McCarthy also reported that the 90-10 Boards had been contacted by the Governor's Office requesting the Boards' opinion as to the feasibility of contributing additional monies from reserve funds to the State General Fund and the possibility of consolidating agencies. After discussion, it was the consensus of the Board that because it's main revenue source is license renewals, which occur only every other year, the Board must keep its reserve fund intact to carry it through the off-renewal years. It was also agreed that the Board would be unable to support consolidation of the 90-10 Boards.

- **Update Regarding Consent Agreements & Board Orders** – Ms. McCarthy referred the Board members to their hand folders.

### 16. LICENSING REPORT

- **New Licenses Issued** – Marcus Harvey, Deputy Director, reported that the Board had licensed the following 15 psychologists since the February meeting, two of them by credential:

3554 Sarette Zecharia, Ph.D.  
 3555 Tamara Martin-Causey, Ph.D.  
 3556 Julio Ramirez, Ph.D.  
 3557 Astrid Heathcote, Psy.D.  
 3558 Glenn Marks, Ph.D.  
 3559 Norma Brown, Ph.D.  
 3560 Mary Marcus, Ph.D.  
 3561 John St. Clair, Ph.D.

3562 Michael Vickroy, Ph.D.  
 3563 Heather Caples, Ph.D.  
 3564 Jennifer Gatt, Ph.D.  
 3565 Shawn Emmons, Ph.D.  
 3566 Michael Lavoie, Ph.D.  
 3567 Jeanne Williams, Psy.D.  
 3568 Valerie Burks-Raney, Ph.D.

Mr. Harvey reported that the Board had issued 23 new licenses this year, compared with 16 licenses issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following seven applicants passed the Examination for Professional Practice in Psychology (EPPP) in February and March, with none failing:

Heather Caples, Ph.D.  
 Jennifer Gatt, Ph.D.  
 Astrid Heathcote, Psy.D.  
 Glenn Marks, Ph.D.  
 Tamara Martin-Causey, Ph.D.  
 Julio Ramirez, Ph.D.  
 Sarette Zecharia, Ph.D.

- **New Applications** – Finally, Mr. Harvey reported that 24 applications had been received to date this year, which compared with 17 applications received by this time last year.

## 17. COMMITTEE REPORTS

### • APPLICATIONS REVIEW COMMITTEE

- **Requests to Sit for the EPPP** – Dr. Cox made a motion, seconded by Dr. Counts, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the EPPP, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- Glenn Clouse, Psy.D.
- Dawn Riggs, Ph.D.
- Norine Smiley, Ph.D.
- Tracy Thomas, Ph.D.

- **Requests for Licensure** – Dr. Cox then made a motion, seconded by Dr. Santos de Barona, and unanimously carried (7-0), that **Maria Flax, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee:

The following applications remained ongoing:

Raymond Anderson, Ph.D.  
 Bruce Tollefson, Ph.D.

- **Ratify Licenses Issued by Credential** – Finally, Dr. Cox made a motion, seconded by Dr. Counts, and unanimously carried (7-0), that the Board ratify issuance of licensure by credential to **Valerie Burks-Raney, Ph.D.**, who has met the requirements of A.R.S. § 32-2071.01(B).

**18. DISCUSSION/DECISION REGARDING CORRESPONDENCE DATED FEBRUARY 25, 2003, AND MARCH 15, 1, 24, AND 31, 2003, REGARDING BOARD PROCEDURES AND RELATED MATTERS**

In response to expressed concerns regarding the process by which the Board handles complaints, the Board listened to comments from James Youngjohn, Ph.D., Stephanie Reed, Dianne Post, J.D., Joel Glassman, Ph.D. and Paulette Selmi, Ph.D.

To address the issues presented, Dr. Yandell proposed that a Task Force be formed with three Board members, three members of the psychologist group, and three members of the consumer group, with each group to select their own members. The Board's appointments to the Task Force would be Ms. Bainton, Dr. Cox, who would serve as the Chair of the Task Force, and Dr. Yandell himself.

The purpose of the Task Force, Dr. Yandell stated, is to clarify the issues brought forth by the two groups, and to suggest, recommend, or request specific actions, if appropriate. It would not be a decision-making body, and because it would deal with issues and solutions, not personalities, no one who has a pending complaint before the Board could serve on the Task Force. Likewise, the Task Force would not discuss the specifics of any past or pending Board complaints. The issues would be de-personalized and so there would be no personal attacks on Board members or staff, on counsel or anyone else.

Meetings would be subject to the open meeting laws, with notices of meetings to state the date, time and place of these meetings which would be open to the public. The Task Force would present a report to the full Board at a Board meeting at which time all Board members could discuss the report and take action as appropriate.

In light of all the criticisms of the Board, Dr. Yandell cited some of the positive things the Board has done:

1. Made adjustments to its website, such as reorganization of some sections and correction of an error in information in response to comments from the community;
2. Posted Board meeting agendas and minutes on the website, with the minutes no longer containing specific allegations, but rather only reporting the outcome of the case;
3. Notifies people when their case is on the agenda and informs them that they may address the Board if they are present-even though not required by law to do so;
4. Purchased a new sound system for the Board meeting conference room to amplify the sound to the audience so that the public can hear Board proceedings;
5. Is considering hiring a court reporter in the future to report all cases on the agenda, not just informal interviews, so that the public may obtain a verbatim transcript if they wish;
6. Has had Drs. Counts and Yandell and Ms. Beck present at the Family Court Evaluators Training in 2001, 2002 and 2003 in order to inform licensees about Board processes;
7. Has scheduled Judge Mark Armstrong to appear before the Board for a second time, at the June, 2003 meeting.
8. Made the newsletter available to everyone electronically on the website.

After some discussion, it was the consensus of the Board that the Task Force could meet on evenings and/or weekends, and should consider having an outside person as a facilitator. It was agreed that the psychologist and consumer groups should name their 3 members from their own group within 15 days. It was also agreed that everyone on the Task Force should have a copy of the Board's statutes and rules and have reviewed them before attending a Task Force meeting.

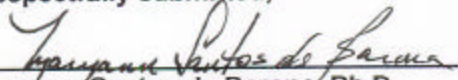
**19. ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Dr. Cox, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to adjourn the meeting at 6:07 p.m.

Prepared by:

Marcus Harvey  
Deputy Director

Respectfully submitted,

  
Maryann Santos de Barona, Ph.D.  
Vice-Chairperson